

CLIFTON BUDD & DEMARIA, LLP

A NEW YORK LIMITED LIABILITY PARTNERSHIP • LAW OFFICES

420 Lexington Avenue, New York, New York 10170-0089
tel 212.687.7410 fax 212.687.3285 www.cbdm.com

DOC SDNY
DOCUMENT

TRANSMISSION
ELECTRONICALLY

FILED: 11/19/10

111 Washington Avenue
Suite 600
Albany, NY 12210
tel 518.452.0500
fax 518.689.4854

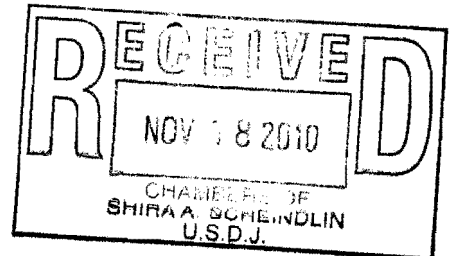
300 Broadacres Drive
Bloomfield, NJ 07003
tel 973.338.1039
fax 973.893.0499

November 18, 2010

Via Facsimile (212-805-7920)

Judge Shira A. Scheindlin
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

The parties' request to extend the
mailing date for notice of the
settlement to the class until
Dec. 17, 2010 is hereby
granted. The fairness hearing
will be held on February 1, 2011
at 4:30 pm.



Re: Mohammed v. MJS Garage Mgmt. Inc., et al.
08 CV 7060 (SAS)

SO ORDERED.

Date: 11/19/10

Shira A. Scheindlin
USDJ

Dear Judge Scheindlin:

This office is counsel to Defendants in the above-referenced matter. I write to advise the court of an issue related to Defendants obligations under the agreed upon settlement in this matter and the Court's order regarding the timing of notice to the class and the scheduled fairness hearing.

Plaintiffs' brought their claims in this matter as a class and collective action alleging violations of the FLSA and New York State Labor Law. The parties settled the matter and the court has preliminarily approved the settlement. The class includes approximately 700 members that worked at approximately 20 different garages owned and operated by the Defendants. The applicable period is October 2002 through February 2010. The terms of the agreed upon settlement require Defendants to produce to Plaintiffs a list of the names, addresses, social security numbers, and weeks worked during the applicable period. The list was due 10 days from the Court's October 7, 2010 order granting preliminary approval of the settlement. Despite its diligent efforts, Defendants were unable to produce the list until the evening of Friday, October 25. Plaintiffs wrote the Court and requested until November 19, 2010 to send the class notice. The Court granted Plaintiffs' request.

Upon reviewing the list, Defendants and Plaintiffs realized that the list was inaccurate. The Defendants do not maintain an electronic database of the requested information, so the requested information must be compiled by hand. This office has

CLIFTON BUDD & DEMARIA, LLP

Judge Shira A. Scheindlin

November 18, 2010

Page 2

spent hundreds of hours, dating back to the summer, compiling the list. After consulting with Plaintiffs' counsel in late October, Defendants realized that the initial list that it had compiled had been based on incomplete information. It immediately set out to obtain the necessary information to put together a complete list. It dedicated significant professional and para-professional time to that process. It has compiled a list, but the process is still ongoing. At this point, Defendants have the names, addresses, and social security numbers for virtually all of the class members. However, in each year it does not have records that immediately show the weeks worked or hourly rate for some of the garages Defendants operated in that year. Defendants are working to see if the rates and weeks worked can be obtained from alternate sources and/or compiled from existing data.


With the upcoming holiday, it will need until at least December 3rd to compile the list. Based on conversations with Plaintiffs' counsel, they will need at least a week from the production of the list until they can print and mail the notice. It will require Plaintiffs' mailing date to be moved to December 17, 2010 and the fairness hearing which must be 45 days after the mailing to be moved to on or after February 1, 2011.

I shared the content of this letter with Plaintiffs' counsel prior to submitting it to the court. We thank the Court for its attention to this matter.

Respectfully submitted,

CLIFTON BUDD & DEMARIA, LLP

By:



Daniel W. Morris

cc: Denise Schulman (via email Denise@jhllp.com)
Joseph, Herzfeld, Hester & Kirschenbaum LLP
757 Third Avenue, 25th Floor
New York, NY 10017

This correspondence was delivered to my adversary by email instead of via facsimile, because: there is no client charge for email, it permits the correspondence to be delivered to my adversary more quickly than a facsimile, it leaves a smaller carbon footprint, and because my adversary and I have regularly communicated in this matter via email.